

**REMARKS**

The Office Action dated October 30, 2007, has been received and carefully reviewed. The preceding amendments and the following remarks form a full and complete response thereto. Claims 1 and 6 have been amended. No new matter has been added. Claims 1-9, 11-12, and 14-15 are pending in the application, and reconsideration of this application is earnestly requested.

Claims 6-9 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Arai et al. ("Arai"), Japanese Laid-Open Publication No. 11-120312. The Applicant respectfully traverses the rejection and submits that claims 6-9 and 12 recite subject matter not disclosed by Arai.

Claim 6 is patentable over Arai because Arai fails to disclose each and every element of claim 6. For Example, Arai fails to disclose a data carrier including a reflection layer separately applied onto a base surface of a recess for accommodating a display in which the reflection layer is not a component of the display, but is instead, separate from it, as recited in claim 6.

Arai discloses an IC card with a liquid crystal display that is composed of polymer layers. See Arai at paragraph [0017]. Arai discloses that "the reflecting plate 8 which illuminates a liquid crystal display is fixed in the inferior surface of the tongue of the bottom polarizing plate 1." In other words, in Arai, the reflecting plate is part of the display. See Arai at paragraph [0018]. Therefore, Arai discloses insertion of a combined display/reflection layer arrangement and does not disclose separately

applying a reflection layer to a recess with base and inserting a display having no reflective layer component onto the base surface of the recess. Arai neither discloses nor suggests applying the reflection layer and the display into the recess separately.

In contrast to Arai, the claimed invention does not exhibit an observable physical connection between the reflective layer and the display. Arai, on the other hand, necessarily has to involve some sort of bonding or adhesion between these components that is observable from the final product and thus may be structurally discriminated from the claimed subject matter. Accordingly, Arai fails to disclose a reflection layer separately applied onto a base surface of the recess, the reflection layer not being a component of the display but being separated from it, as claim 6 requires. The Applicant, therefore, respectfully requests the withdrawal of the rejections of claim 6, and of claims 7-9 and 12, which depend from claim 6.

Claims 1-4, 11 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Arai in view of U.S. Publication No. 2003/0073327 by Gundlach et al. ("Gundlach"). The Applicant respectfully traverses the rejections on the basis that claims 1-4, 11, and 14 recite subject matter not disclosed by the combination of Arai and Gundlach.

Claim 1, is patentable over Arai in view of Gundlach because neither reference, either alone or in combination, discloses or suggests each and every element of claim 1. For example, the combination of the references fails to disclose a method of producing a portable data carrier with a display device that includes the step of

separately applying a reflection layer not being a component of a display onto the base surface of a recess, as recited in claim 1. As discussed above with regard to claim 6, Arai merely teaches an integral display having a reflection layer. Gundlach fails to make up for the deficiencies of Arai.

Gundlach relates to the manufacture of a smart card by producing a recess in a card body, arranging conductive paths in the recess and subsequently placing a display module and possibly further modules in side-by-side relation chip within the recess such that their surfaces form a flush and smooth surface together with the surface of the card body. The components are electrically interconnected by means of the conductive paths. There is no suggestion in Gundlach whatsoever, that might lead a skilled artisan to incorporate parts of the display (e.g. the reflection layer) separated from the display into the recess for accommodating the display. Thus, the combination of Arai and Gundlach fails to disclose or suggest the step of separately applying a reflection layer not being a component of a display on to the base surface of the recess, as claim 1 requires, and the rejection of claim 1 is improper.

Further, the cited prior art also fails to disclose or suggest a step of providing a semifinished product with conductive paths disposed in the interior, as claim 1 requires. The Office suggests that this feature is disclosed in Arai. The Applicant disagrees.

In Arai, incorporation of the display and the IC chip is carried out either by lamination or by injection molding (see Arai at paragraph [0035]), i.e., by molding

polymer material around the electronic elements so as to form the card body. There is no suggestion in Arai to manufacture a semi-finished product in which the countercontact surfaces are being exposed for subsequent reception of a display. Furthermore, Gundlach fails to cure this deficiency. Accordingly, the cited art fails to disclose or suggest this additional element of claim 1. For this additional independent reason, the rejection of claim 1 is improper.

The Applicant, therefore, respectfully requests the withdrawal of the rejections of claim 1 and claims 2-4, 11 and 14, which depend from claim 1.

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Arai in view of Gundlach further in view of German Patent DE 199 631 65 to Moedl et al. ("Moedl"). The Applicant traverses the rejection on the basis that claim 5 recites subject matter not disclosed by the combination of Arai, Gundlach, and Moedl. For instance, claim 5 is patentable for at least the same reasons stated above with reference to claim 1, from which it depends. The Applicant, therefore, respectfully requests the withdrawal of the rejection of claim 5.

Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Arai. The Applicant traverses the rejection on the basis that claim 15 recites subject matter not disclosed or suggested by Arai. For instance, claim 15 is patentable for at least the same reasons stated above with respect to claim 6, from which it depends. Applicant, therefore, respectfully requests the withdrawal of the rejection of claim 15.

In view of the above, all objections and rejections have been sufficiently addressed. The Applicant submits that the application is now in condition for allowance and request that this application be passed to issue.

In the event that this paper is not timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

1-30-08  
Date

Respectfully submitted,



Attorneys for the Applicant  
Brian A. Tollefson  
Reg. No. 46,338  
ROTHWELL, FIGG, ERNST & MANBECK  
1425 K Street, N.W., Suite 800  
Washington, D.C. 20005  
(202) 783-6040